

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

BRENDAN M. McGUINNESS,
Plaintiff

v.

CIVIL ACTION NO.:
05-11738-EFH

JAMES R. BENDER, ET AL.,
Defendants.

MEMORANDUM

December 13, 2006

HARRINGTON, S.D.J.

A Status Conference in this case was held on December 13, 2006 at which it was agreed by the parties that the trial commencing on January 2, 2007 will involve solely a claim of excessive force against three Corrections Officers, namely, Michael D. Farley, John A. Belair and John A. Flowers. The Department of Corrections will make the seven designated Corrections Officers available to testify, including the three named defendants, and shall provide the Deputy Clerk with the names of the doctor and clinician so that the Court is able to order their appearance as witnesses. The plaintiff has indicated that he wishes to proceed with a trial before the Court and the defendants shall consider such request in advance of trial.

/s/ Edward F. Harrington_____
EDWARD F. HARRINGTON
United States Senior District Judge